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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,857	08/30/2001	Franco Montebovi	006559.00021	7547

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EXAMINER

GAUTHIER, GERALD

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 08/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/941,857

Applicant(s)

MONTEBOVI, FRANCO

Examiner

Gerald Gauthier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. **Claim(s) 1-9 and 11-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Smethers (US 6,463,304 B2) in view of Morishima (US 2002/0081997 A1).

Regarding **claim(s) 1, 12 and 13**, Smethers discloses a mobile telecommunications device including a housing a microphone, an earpiece, a display screen mounted in the housing, a plurality of keys mounted on the housing and individually depressible by a user for performing telephony operations, radio circuitry (column 3, lines 22-35), and a processor operable to provide a browser for navigating between different pages stored remotely of the mobile telecommunication device and

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displaying information therefrom on the display screen, wherein an individual key of said plurality of keys (column 4, lines 48-60) is operable in a first mode comprising a first user depression sequence pattern of said individual key to navigate between previously visited pages (column 6, lines 35-50) and said individual key further being operable in a second mode comprising a second user depression sequence pattern of said individual key to provide a display of previously visited pages whereby to permit the user to select a page from the display of previously visited pages and navigate directly thereto (column 6, lines 23-30).

Smethers fails to disclose an individual key operable in a first mode and in a second mode.

However, Morishima teaches the operator switching to previously display page by pressing one single key (paragraphs 0065 and 0066).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Smethers using the teaching of a single key to switch display as taught by Morishima.

This modification of the invention enables the system to have an individual key operable in a first mode and in a second mode so that the user would view the last visited pages.

Regarding **claim(s) 2**, Smethers discloses a device, wherein the key is operable to navigate backwards through previously visited pages (column 4, lines 1-13).

Regarding **claim(s) 3**, Smethers discloses a device, wherein the key is operable to navigate forwardly through previously visited pages (column 4, lines 1-13).

Regarding **claim(s) 4**, Smethers discloses a device, wherein the first and second modes are selected by operating the key for relatively shorter and longer periods respectively (column 4, lines 19-41).

Regarding **claim(s) 5**, Smethers discloses a device, including a scrolling key operable to scroll a focus region through the display of previously visited pages for selecting one of the pages (column 6, lines 23-30).

Regarding **claim(s) 6**, Smethers discloses a device, including a further key for selecting a page from the previously visited pages display and so as to navigate directly then to (column 4, lines 19-41).

Regarding **claim(s) 7**, Smethers discloses a device and comprising a mobile telephone handset (column 3, lines 22-35).

Regarding **claim(s) 8**, Smethers discloses a device and comprising a PDA (column 3, lines 22-35).

Regarding **claim(s) 9**, Smethers discloses a device, wherein the display of the previously visited pages comprising a display of the previously visited pages whereby to permit the user to select one of the previously visited pages and navigate directly thereto (column 6, lines 23-30).

Regarding **claim(s) 11**, Smethers discloses a device, which is WAP enabled (column 3, lines 22-35).

Regarding **claim(s) 14**, Smethers discloses a device including a key to scroll a focus region between suitable menu options displayed on the browser, to permit navigation between different network addresses (column 6, lines 35-50).

Regarding **claim(s) 15**, Smethers discloses a method, wherein the first mode includes pressing the key for a first period of time and the second mode includes pressing the key for a second period of time, the second period of time greater than the first period of time (column 9, lines 9-32).

Response to Arguments

4. Applicant's arguments with respect to **claim(s) 1-9 and 11-15** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


GERALD GAUTHIER
PATENT EXAMINER

Gerald Gauthier
Examiner
Art Unit 2614

GG
August 1, 2006